

MINUTES
FREMONT CITY COUNCIL WORK SESSION AND REGULAR MEETING
JUNE 15, 2010
FREMONT CITY HALL
5:30 P.M. Work Session
7:00 P.M. Regular Meeting

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

Mayor Wasserman announced vacancies to various advisory bodies.

2. WORK SESSION ITEM

2.1 PATTERSON RANCH DEVELOPMENT PLAN

Community Development Director Jill Keimach introduced the item and Richard Frisbie (Applicant). Mr. Frisbie provided an update on the proposed Plan. Mr. Frisbie responded to questions from Councilmembers. Associate Planner Scott Ruhland provided an overview of the project description, summarized key points of the proposed Development Agreement, highlighted sustainable building measures, and outlined next steps. Staff and Mr. Frisbie responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Dan Ondrasek (Friends of Coyote Hills) and Carin High expressed concern related to the development west of Ardenwood Park as it will have an irreversible impact on the Park and its inhabitants. Carmen Saldivar expressed opposition to the proposed project and expressed concern related to development over Indian burial grounds. Joshua Wroten (Morning Star Church & CityServe Compassion Network) expressed support for the development changes made by the Applicant which includes consideration for two religious facilities along the western edge of Ardenwood Boulevard. Rich Storm expressed support for expanding open space west of Ardenwood Park. There were no other speakers. Mayor Wasserman closed public comment. Another question and answered period followed. Councilmembers provided comment. No action was taken.

3. CONSENT CALENDAR

- * **3.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

*Consent Items

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

* **3.2 Approval of Minutes – None.**

* **3.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title VIII, Chapter 2, Article 21, Adopting Freeway-Oriented Sign Regulations for the Industrial Area Portion of the Fremont Merged Redevelopment Project Area and Related Changes**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council adopted Ordinance No. 12-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

* **3.4 Mayor Wasserman opened consideration of Authorization to Enter into a Memorandum of Understanding with the City and County of San Francisco as Fiscal Agent for the Urban Area Security Initiative (UASI) Grant Program to Accept UASI Grant Funds and Make Associated Purchases**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or designee to enter into an agreement with the City and County of San Francisco to apply for, accept and appropriate 2008 UASI grant funds totaling \$121,500 to Fiscal Year 2009/10 to Fund 199 (Misc. Federal Grants), and to spend those funds on the training and equipment as proposed.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

* **3.5 Mayor Wasserman opened consideration to Accept Two Grants from the East Bay Regional Park District Measure WW Local Grants Program and Appropriate \$2,682,258 in Funds to the Measure WW Citywide Play Area Upgrade Project and \$488,386 in Funds to the Measure WW Tiny Tots Play Area Upgrades Project**

*Consent Items

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Accepted \$2,682,258 in grant funds from the Measure WW Local Grants Program and appropriated funds in the grant amount to 513PWC8733, Measure WW Citywide Play Area Upgrade Project.
2. Accepted \$488,386 in grant funds from the Measure WW Local Grants Program and appropriated funds in the grant amount to 513 PWC 9732, Measure WW Tiny Tots Play Area Upgrade Project.
3. Approved transfer of \$200,000 from Capital Improvement Projects Emerging Projects Reserves 540PWC7101 to 540PWC8733, Measure WW Citywide Play Area Upgrade Project.
4. Approved transfer of \$40,000 from Capital Improvement Projects Emerging Projects Reserve 540PWC7101 to 540PWC8732, Measure WW Citywide Play Area Upgrade Project.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 3.6 Mayor Wasserman opened consideration to Authorize City Manager to Sign Amendment to FY 2009/10 and 2010/11 Contract with Data Ticket, Inc., for Parking and ARO Citation Processing and Collection Services**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or his designee to amend and increase the “not to exceed” provision of the contract to \$120,000 with Data Ticket, Inc., for parking and ARO citation processing and collection services in FY 2009/10 and FY 2010/11.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 3.7 Mayor Wasserman opened consideration to Authorize City Manager to Execute an Amendment to FY 2010/11 Contract with Data Ticket, Inc. for Parking and ARO Citation Hearing Services**

On a motion by Councilmember Natarajan seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or his designee to execute an amendment extending the contract with Data Ticket, Inc., for parking and ARO citation hearing services in an amount not to exceed \$30,000 annually for one year, to expire on June 30, 2011.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 3.8 Mayor Wasserman opened consideration of Approval of the Partial Release of Improvement Security Required by the Private Improvement Agreement for Tract 7862, Based on the Partial Completion of Improvements**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council approved the partial release of improvement security for Tract 7862 private improvements in the amount of \$1,803,000, retaining \$1,202,000 in security until acceptance of the private improvements by the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 3.9 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Issue a Purchase Order to The Active Network, Inc., and Execute an Agreement and Any Implementing Documents for the Purchase of a Cash Receipting System**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council approved a solicitation exception as described in the staff report and authorized the City Manager or designee to issue a purchase order to The Active Network, Inc., and execute any and all documents to purchase a cash receipting system in an amount not-to-exceed \$99,584.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 3.10 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract for the Niles Union Pacific Site Phase 2 Remediation Project, City Project No. 8700 (PWC)**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Held a Public Hearing.

2. Adopted Negative Declaration (Exhibit “A”) based on the whole of the record that the proposed project has no potential for a significant impact on the environment and that this finding reflects the independent judgment of the City of Fremont.
3. Approved Plans and Specifications for the Niles UP Site Phase 2 Remediation Project.
4. Awarded a contract for the Niles UP Site Phase 2 Remediation Project (City Project No. 8700 PWC), to Pacific States Environmental Contractors, Inc. in the amount of \$1,912,177.00; and authorized the City Manager, or designee, to execute the contract.
5. Approved transfer of \$200,000 in EPA grant funds from 199PWC8639 to 199PWC8700.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan

Noes: None

Absent: None

Abstain: Councilmember Harrison due to a conflict of interest
related to a business relationship with the contractor

*** 3.11 Mayor Wasserman opened consideration of Authorization for the City Manager to Resubmit Highway-Railroad Crossing Safety Account Program Grant Applications for Railroad Grade Separations at Warren Avenue and Kato Road**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or his designee to file Highway-Railroad Crossing Safety Account Program grant applications and any other required supporting documents for the Warren Avenue and Kato Road grade separations, and authorized the City Manager or designee to approve any grant agreements required and any modifications to existing agreements between the City and VTA as long as it does not require the City to commit resources beyond those previously committed by the City in the prior agreements.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

*** 3.12 Mayor Wasserman opened consideration of Approval of Public Safety Capital Projects (Fire Bond Program, Fire Station 11, and Police Seismic Retrofit) Funding Plan, Budget Clean-up, and Appropriations**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Approved the following cleanup items:
 - a. Released 501PWC7838 Fire Station #8 appropriation by \$197,996.12 and appropriated \$197,996.12 to Fire Bond 213PWC7838 Fire Station #8
 - b. Released appropriation of \$761,667.80 on 501PWC8526 CIP Fire Bond Reserve and closed project

- c. Appropriated and approved transfer of \$959,663.92 from Capital Improvement fund 501 to Budget Uncertainty Reserve (Fund 007).
2. Appropriated \$2,265,000 of estimated revenues from the sale of the one acre parcel adjacent to Fire Station #6 that was previously acquired with Fire Bond proceeds, as follows: (a) \$1,090,000 for 501PWC8741 Public Safety Capital Improvements project and (b) \$1,175,000 for 501PWC8649 Police Seismic Retrofit project.
3. Approved the transfer of the remaining \$1,285,000 of Fire Bond proceeds originally appropriated for 213PWC8557 Training Center project to 213PWC8649 Police Seismic Retrofit project.
4. Approved the transfer of the \$1,200,000 of 2008 Variable Rate COP debt proceeds originally appropriated for 599PWC8683 Fire Station #11 project to 599PWC8649 Police Seismic Retrofit project for \$1,125,000 and to various art projects for \$75,000.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

*** 3.13 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Police Department Seismic Retrofit Project, City Project No. PWC 8649**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Found that this project is categorically exempt from CEQA per section 15301, existing facilities.
2. Approved plans and specifications for the Fremont Police Department Seismic Retrofit Project,
3. Appropriated a total of \$2,375,000 in remainder funds from Measure R of 2002 and funds from the sale of Fire St. #6 one acre parcel to PWC8649.
4. Appropriated the sale of \$6,625,000 in Certificates of Participation to 599PWC8649 (\$1,125,000 from the 2008 Variable Rate COPs surplus proceeds and \$5,500,000 from new COPs to be issued pursuant to later authorization from the City Council).
5. Awarded a contract for the Fremont Police Department Seismic Retrofit Project (City Project No. 8649 PWC) to Cal Pacific Construction, Inc., in the amount of \$5,221,000, and authorized the City Manager, or designee, to execute the contract.
6. Adopted Resolution No. 2010-41, a Resolution of Intention which identifies the project and specifies that project costs in the amount of \$10,000,000 may be reimbursed with proceeds from tax-exempt debt to be issued in the future.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

*Consent Items

* **3.14 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Issue a Purchase Order and Execute an Agreement and Implementing Documents with Tiburon, Inc., for Beta Test of New Computer-Aided Dispatch, Mobile CAD, Automated Report Writing, Records Management, Jail Management and Property Management Systems**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council approved a solicitation exception as described in the staff report and authorized the City Manager, or designee, to issue a purchase order in the amount of \$10,000 for third-party licensing to Tiburon, Inc., and to execute an agreement and implementing documents to participate in the beta test of Tiburon's Computer-Aided Dispatch, Mobile CAD, Automated Report, Records Management, Jail Management and Property Management applications currently in development.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

4. CEREMONIAL ITEMS – None.

5. PUBLIC COMMUNICATIONS

5.1 Oral and Written Communications

Dinesh Maheshwary expressed opposition to the location of the proposed Skate Park. Lee Staub (Tri-City Health Center) expressed gratitude to the City Council for supporting the initiative to ban smoking in outdoor dining areas.

6. SCHEDULED ITEMS

6.1 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$3,732,341.10 to the Lowest Responsible Bidder for the Osgood Road Improvement Project Between Washington Boulevard and Grimmer Boulevard, City Project No. 8173 (PWC)

City Engineer Norm Hughes provided an overview of the project. Staff responded to questions from Councilmembers.

On a motion by Mayor Wasserman, seconded by Councilmember Natarajan, the City Council:

1. Approved the plans and specifications for the Osgood Road Improvement Project between Washington Boulevard and Grimmer Boulevard, City Project No. PWC 8173.
2. Accepted the bid and awarded the construction contract for the Osgood Road Improvements Project between Washington Boulevard and Grimmer Boulevard, PWC

- 8173 to the lowest responsible bidder, RGW Construction, Inc., in the amount of \$3,732,341.10, and authorized the City Manager or his designee to execute the contract.
3. Approved transfer of \$75,000 from 531PWC8629 (Osgood Road Signal Interconnect) to 531PWC8173.
 4. Appropriated in-lieu fee in the amount of \$75,544 to 502PWC8173 (43400 Osgood Road Street Improvement Contribution).
 5. Approved transfer of \$33,300 from 194PWC8725 (LED Streetlight/Parking Lot Light Pilot Project) to 194PWC8173.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

6.2 Mayor Wasserman opened consideration of Waive Full Reading and Adopt the Affordable Housing Ordinance Zoning Text Amendment (FMC Title VIII, Chapter 2, Article 21.7) and Making Findings Related to the Negative Declaration

Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Found that the Negative Declaration (Exhibit “A”) prepared for this project has been completed in compliance with the requirements of CEQA and reflects the independent judgment of the City, and that approval of this Zoning Text Amendment and setting of Affordable Housing In-lieu and Impact Fees will not have any significant impact on the environment.
2. Waived full reading and adopted Ordinance No. 13-2010 amending Fremont Municipal Code Title VIII, Chapter 2, by deleting Article 21.7, Inclusionary Housing Ordinance in its entirety, and replacing it with the provisions set forth in Exhibit “A”, Affordable Housing Ordinance.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

6.3 Mayor Wasserman opened consideration for Review and Discussion of Potential Actions for Inclusion in the City’s Climate Action Plan (Continued from June 8, 2010)

Policy and Special Projects Manager Dan Schoenholz provided the context of the Climate Action Plan and presentation. Associate Planner Amy Rakley discussed the overarching goals of the Climate Action Plan, reviewed the regulatory framework, four key concepts, important numbers, and portfolio of actions and outlined next steps. Staff responded to questions from

Councilmembers. Councilmembers provided feedback about the continuum of potential actions and directed staff to return with a Climate Action Plan for Council adoption as part of the General Plan update process.

7. REPORT FROM CITY ATTORNEY

7.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

8. OTHER BUSINESS – None.

9. COUNCIL COMMUNICATIONS

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events – None.

10. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor